

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 20796 OF 2006

DATED: 14.6.2007

Between:

Abdul Aziz zon of Abdul Gafoor

... Petitioner

and

The District Collector, Ranga Reddy District and others

....Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.20796 OF 2006

ORAL ORDER:

The writ petition is filed alleging unlawful interference by the respondents with the property of the petitioner in an extent of 694 square yards in premises bearing No.1-13, Kothaguda Gramapanchayat, Serilingampally Mandal, Ranga Reddy District.

The petitioner alleges to be in possession and enjoyment of the property since 1070. He does not assert to being in lawful possession and enjoyment or to have any rights to ownership of the property. There is equivocal averment in the writ petition. It is legitimate to presume that he is a squatter on the land, in illegal occupation and an encroacher. According to the petitioner the 3rd respondent is coming on to the property along with the police personnel and threatening the petitioner to vacate the premises.

The 3rd respondent has filed a counter-affidavit alleging that the land is Government land classified as "Kancha maqtha" and that the petitioner has encroached upon the land and has also constructed two small rooms of 12' x 12' each; no assignment of the land was made in favour of the petitioner; and that the petitioner is now proceeding to encroach further extent of land by making constructions and therefore was prevented from doing so. The learned counsel for the petitioner at the admission hearing, asserts that the petitioner has perfected his title to the property by adverse possession. Whether he has so

perfected his title and in what factual circumstances and in respect of what extent of land are all disputed questions of fact which are more appropriately adjudicated before a Civil Court of competent jurisdiction and not in a writ petition under Article.226 of the Constitution.

In the aforesaid circumstances the writ petition is dismissed. The petitioner is at liberty to pursue appropriate remedies. In the circumstances there shall be no order as to costs.

GODA RAGHURAM,J

14th JUNE,2007
*TSNR/PVSN